

107TH CONGRESS  
1ST SESSION

# H. R. 1734

To amend title 49, United States Code, to establish consumer protections for airline passengers, to promote air carrier competition, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2001

Mr. SWEENEY (for himself, Mr. DINGELL, Mr. CROWLEY, Ms. LEE, Mr. DEFAZIO, Mr. MCHUGH, Mr. FRANK, Mr. GILMAN, Mr. McNULTY, Mr. MOORE, Ms. SLAUGHTER, Mrs. KELLY, Ms. DELAURO, Mr. LAFALCE, Mr. ENGLISH, Mr. BALDACCI, Mr. TERRY, Mr. NEY, Mr. UDALL of Colorado, Mr. NADLER, Mr. HINCHEY, Mr. KANJORSKI, Mrs. LOWEY, Mr. LARSON of Connecticut, Mr. FILNER, and Mrs. MINK of Hawaii) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to establish consumer protections for airline passengers, to promote air carrier competition, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Airline Passenger Bill of Rights Act”.

6 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.  
 Sec. 2. Amendments to title 49, United States Code.

#### TITLE I—AIRLINE PASSENGER PROTECTION

- Sec. 101. Fair treatment of airline passengers.  
 Sec. 102. Clarification regarding enforcement of State laws.  
 Sec. 103. Airline passenger protection.

#### TITLE II—AIR CARRIER COMPETITION

- Sec. 201. Consideration of unfair practices in issuance of certificates for foreign air transportation.  
 Sec. 202. Unfair methods of competition.  
 Sec. 203. Approval of slot transfers.  
 Sec. 204. Joint venture agreements between air carriers.  
 Sec. 205. Competitive access to gates, facilities, and other assets.  
 Sec. 206. Review of dominant air carrier activities.  
 Sec. 207. Internet airline reservation systems.  
 Sec. 208. Federal policies on slots at high density airports.  
 Sec. 209. Definitions of delayed flight and chronically delayed flight.

### 1 **SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.**

2 Except as otherwise specifically provided, whenever in  
 3 this Act an amendment or repeal is expressed in terms  
 4 of an amendment to, or repeal of, a section or other provi-  
 5 sion of law, the reference shall be considered to be made  
 6 to a section or other provision of title 49, United States  
 7 Code.

## 8 **TITLE I—AIRLINE PASSENGER** 9 **PROTECTION**

### 10 **SEC. 101. FAIR TREATMENT OF AIRLINE PASSENGERS.**

11 Section 41712 is amended by adding at the end the  
 12 following:

13 “(c) SPECIFIC PRACTICES.—For purposes of sub-  
 14 section (a), the terms ‘unfair or deceptive practice’ and

1 ‘unfair method of competition’ include each of the fol-  
2 lowing:

3 “(1) ACCESS TO FARES; CONSISTENTLY DE-  
4 LAYED FLIGHTS.—Regardless of the method used by  
5 a consumer to contact an air carrier or foreign air  
6 carrier, the failure of the carrier—

7 “(A) to provide full access to all fares for  
8 air transportation provided by the air carrier or  
9 foreign air carrier; or

10 “(B) to disclose, without being requested,  
11 the on-time performance and cancellation rate  
12 for a chronically delayed or chronically canceled  
13 flight whenever a customer makes a reservation  
14 or purchases a ticket on such a flight.

15 “(2) PRICING POLICIES.—Any action of an air  
16 carrier or foreign air carrier—

17 “(A) to prohibit a person (including a gov-  
18 ernmental entity) that purchases air transpor-  
19 tation from only using a portion of the air  
20 transportation purchased (including using the  
21 air transportation purchased only for 1-way  
22 travel instead of round-trip travel); or

23 “(B) to assess an additional fee on or  
24 charge to—

25 “(i) such a person; or

1 “(ii) any ticket agent that sold the air  
2 transportation to such person.

3 “(3) TERMINATION OF TICKET AGENTS.—In  
4 the case of a termination, cancellation, nonrenewal,  
5 or substantial change in the competitive cir-  
6 cumstances of the appointment of a ticket agent by  
7 an air carrier or foreign air carrier, the failure of  
8 the air carrier or foreign air carrier—

9 “(A) to provide the ticket agent with writ-  
10 ten notice, and a full statement of reasons for  
11 the action, on or before the 90th day preceding  
12 the action; and

13 “(B) to provide the ticket agent with at  
14 least 60 days to correct any deficiency claimed  
15 in the written notice,  
16 except in cases of insolvency, an assignment for the  
17 benefit of creditors, bankruptcy, or nonpayment of  
18 sums due under the appointment.

19 “(4) DEFINITIONS.—In this subsection, the fol-  
20 lowing definitions apply:

21 “(A) CHRONICALLY DELAYED FLIGHT.—  
22 The term ‘chronically delayed flight’ means a  
23 regularly scheduled flight that has failed to ar-  
24 rive on time (as defined in section 234.2 of title  
25 14, Code of Federal Regulations) at least 40

1           percent of the time during the most recent 3-  
2           month period for which data is available.

3                   “(B) CHRONICALLY CANCELED FLIGHT.—

4           The term ‘chronically canceled flight’ means a  
5           regularly scheduled flight at least 30 percent of  
6           the departures of which have been canceled dur-  
7           ing the most recent 3-month period for which  
8           data is available.”.

9   **SEC. 102. CLARIFICATION REGARDING ENFORCEMENT OF**  
10                   **STATE LAWS.**

11          Section 41713(b)(1) is amended by striking “related  
12   to a price, route, or service of an air carrier that may pro-  
13   vide air transportation under this subpart” and inserting  
14   “that directly prescribes a price, route, or level of service  
15   for air transportation provided by an air carrier under this  
16   subpart”.

17   **SEC. 103. AIRLINE PASSENGER PROTECTION.**

18          (a) IN GENERAL.—Subchapter I of chapter 417 is  
19   amended by adding at the end the following:

20   **“§ 41722. Air carrier passenger protection**

21          “(a) EMERGENCY PLANS.—

22               “(1) IN GENERAL.—An air carrier shall ensure  
23   access to necessary services and conditions, including  
24   food, water, restroom facilities, and the ability to  
25   deplane in the event of a weather or other emer-

1 agency, for all passengers boarded on a flight seg-  
2 ment of the air carrier in air transportation.

3 “(2) SUBMITTAL OF PLANS.—The Secretary of  
4 Transportation shall require, not later than the  
5 180th day following the date of enactment of this  
6 section, each air carrier to submit to the Secretary  
7 an emergency plan containing a description of ac-  
8 tions that will be taken by the carrier to comply with  
9 paragraph (1).

10 “(3) GUIDANCE.—Not later than 90 days after  
11 the date of enactment of this section, the Secretary  
12 shall issue guidance on what the Secretary deter-  
13 mines is necessary to meet the requirements of para-  
14 graph (2).

15 “(b) RIGHT TO EXIT AIRCRAFT.—No air carrier op-  
16 erating an aircraft in air transportation shall prevent or  
17 hinder (including by failing to assist) any passenger from  
18 exiting the aircraft (under the same circumstances as any  
19 member of the flight crew is permitted to exit the aircraft)  
20 if—

21 “(1) the aircraft is parked at an airport ter-  
22 minal gate with access to ramp or other facilities  
23 through which passengers are customarily boarded  
24 and deplaned;

1           “(2) the aircraft has remained at the gate more  
2           than 1 hour past its scheduled departure time; and

3           “(3) the captain of the aircraft has not been in-  
4           formed by air traffic control authorities that the air-  
5           craft can be cleared for departure within 30 min-  
6           utes.

7           “(c) DELAY, CANCELLATION, OR DIVERSION.—

8           “(1) EXPLANATION REQUIRED.—An announce-  
9           ment by an air carrier of (A) a delay or cancellation  
10          of a flight segment, or (B) a diversion of a flight  
11          segment to an airport other than the airport at  
12          which the flight segment is scheduled to land, shall  
13          include an explanation of the reason or reasons for  
14          the delay, cancellation, or diversion.

15          “(2) PROHIBITION ON FALSE EXPLANATIONS.—  
16          No air carrier shall provide an explanation under  
17          paragraph (1) that the air carrier knows or has rea-  
18          son to know is false.

19          “(3) TIMELINESS OF INFORMATION.—

20                 “(A) IN GENERAL.—An air carrier shall  
21                 provide a passenger with timely notice of a  
22                 delay or cancellation of the flight segment.

23                 “(B) INFORMATION MONITORS AT AIR-  
24                 PORTS.—In complying with subparagraph (A),  
25                 an air carrier shall ensure that information

1 monitors at the airport concerned display timely  
2 and accurate arrival and departure information.

3 “(C) ADVANCE NOTICE OF DELAYS AND  
4 CANCELLATIONS.—In complying with subpara-  
5 graph (A), an air carrier, whenever practicable,  
6 shall attempt to provide a passenger with notice  
7 of a delay or cancellation of a flight segment  
8 before the passenger departs for the airport.

9 “(4) GUIDANCE.—Not later than 1 year after  
10 the date of enactment of this section, the Secretary  
11 shall issue guidance to assist air carriers in carrying  
12 out this subsection.

13 “(d) OVERBOOKING.—

14 “(1) COMPENSATION.—In addition to com-  
15 pensation required on the date of enactment of this  
16 subsection under part 250 of title 14, Code of Fed-  
17 eral Regulations, an air carrier shall provide, at a  
18 minimum, to a passenger who is denied boarding in-  
19 voluntarily from an oversold flight segment in air  
20 transportation on which the passenger has confirmed  
21 reserved space—

22 “(A) alternate transportation to the pas-  
23 senger’s final destination;

24 “(B) reasonable and immediate compensa-  
25 tion for food; and



1           “(C) if the scheduled departure time of the  
2           alternate transportation is not within the same  
3           day as the passenger’s originally scheduled de-  
4           parture time, reasonable and immediate com-  
5           pensation for hotel costs.

6           “(2) CHECK IN TIME.—A passenger shall be eli-  
7           gible for involuntary denied boarding compensation  
8           under this section and applicable regulations of the  
9           Department of Transportation with respect to a  
10          flight segment of an air carrier if the passenger  
11          checks in for the flight segment at the appropriate  
12          airport gate at any time before the door of the air-  
13          craft for the flight segment is closed at the airport  
14          gate.

15          “(3) REGULATIONS.—Not later than 90 days  
16          after the date of enactment of this section, the Sec-  
17          retary shall modify regulations contained in part 250  
18          of title 14, Code of Federal Regulations, to conform  
19          with the requirements of this subsection and to im-  
20          plement the recommendations contained in the De-  
21          partment of Transportation Inspector General’s  
22          Final Report entitled ‘Airlines Commitment to Cus-  
23          tomer Service’.”.

1 (b) CONFORMING AMENDMENT.—The analysis for  
2 subchapter I of chapter 417 is amended by adding at the  
3 end the following:

“41722. Air carrier passenger protection.”.

4 (c) PASSENGER RIGHTS PUBLICATION.—Not later  
5 than 180 days after the date of enactment of this Act,  
6 the Secretary shall, by rule—

7 (1) issue a statement that outlines consumer  
8 rights of air passengers, including each of the rights  
9 specified in section 41722 of title 49, United States  
10 Code, as added by this section; and

11 (2) requires an air carrier to provide the state-  
12 ment to each passenger of the carrier, by con-  
13 spicuous written material included—

14 (A) on a safety placard given to the pas-  
15 senger on board an aircraft;

16 (B) on information available to the pas-  
17 senger at each ticket counter of the air carrier;  
18 and

19 (C) on or with the passenger’s ticket if  
20 practicable.

## **TITLE II—AIR CARRIER COMPETITION**

### **SEC. 201. CONSIDERATION OF UNFAIR PRACTICES IN ISSUANCE OF CERTIFICATES FOR FOREIGN AIR TRANSPORTATION.**

Section 41102(d) is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) SUBMISSION OF DECISIONS TO PRESIDENT.—The Secretary”;

(2) by adding at the end the following:

“(2) CONSIDERATION OF UNFAIR PRACTICES.—Before issuing a certificate under subsection (a) authorizing an air carrier to provide foreign air transportation, the Secretary shall consider whether the air carrier has engaged in any unfair or deceptive practice or unfair method of competition in air transportation or the sale of air transportation in the preceding 5-year period.”; and

(3) by aligning paragraph (1) (as designated by paragraph (1) of this section) with paragraph (2) (as added by paragraph (2) of this section).

### **SEC. 202. UNFAIR METHODS OF COMPETITION.**

(a) CODE SHARE AGREEMENTS.—Section 41712 is amended by adding at the end the following:

1 “(d) CODE SHARE AGREEMENTS.—

2 “(1) IN GENERAL.—It shall be an unfair meth-  
3 od of competition under subsection (a) for a major  
4 air carrier—

5 “(A) to prohibit, limit, or otherwise restrict  
6 a code share partner of the major air carrier  
7 from entering into a code share agreement with  
8 another air carrier or foreign air carrier;

9 “(B) to fail to utilize gates, facilities, and  
10 other assets fully at that airport; and

11 “(C) to refuse, deny, or fail to provide a  
12 gate, facility, or other asset at such an airport  
13 that is underutilized by it, or that will not be  
14 fully utilized by it within 1 year, to another car-  
15 rier on fair, reasonable, and nondiscriminatory  
16 terms upon request of the airport, the other air  
17 carrier, or the Secretary.

18 “(2) DEFINITIONS.—In this section, the fol-  
19 lowing definitions apply:

20 “(A) CODE SHARE AGREEMENT.—The  
21 term ‘code share agreement’ means an agree-  
22 ment under which an air carrier’s designator  
23 code is used to identify a flight operated by an-  
24 other air carrier or foreign air carrier.

1           “(B) CODE SHARE PARTNER.—The term  
 2           ‘code share partner’, with respect to a major air  
 3           carrier, means an air carrier or foreign air car-  
 4           rier that has entered into a code share agree-  
 5           ment with the major air carrier.

6           “(C) MAJOR AIR CARRIER.—The term  
 7           ‘major air carrier’ has the meaning given such  
 8           term in section 41720(a).

9           “(D) ASSET.—The term ‘asset’ includes  
 10          slots (as defined in section 41714(h)(4)) and  
 11          slot exemptions (within the meaning of section  
 12          41714(a)(2)).”.

13          (b) PENALTIES.—Section 46301(a) is amended by  
 14          adding at the end the following:

15               “(8) MAXIMUM PENALTY FOR ENGAGING IN UN-  
 16          FAIR METHODS OF COMPETITION.—Notwithstanding  
 17          paragraph (1), the maximum civil penalty that may  
 18          be assessed against an air carrier for violating sec-  
 19          tion 41712 by engaging, with respect to air trans-  
 20          portation on any route, in an unfair method of com-  
 21          petition against another air carrier shall be  
 22          \$10,000.”.

23   **SEC. 203. APPROVAL OF SLOT TRANSFERS.**

24          Section 41714 is amended by adding at the end the  
 25          following:

1 “(1) SLOT TRANSFERS.—

2 “(1) APPROVAL REQUIRED.—After the date of  
3 enactment of this subsection, an air carrier may  
4 transfer a slot to another air carrier only if the  
5 transfer is approved by the Secretary.

6 “(2) CONSIDERATIONS.—In determining wheth-  
7 er to approve the transfer of a slot under paragraph  
8 (1), the Secretary shall consider—

9 “(A) the competitive effects of the trans-  
10 fer;

11 “(B) whether the price to be paid for the  
12 slot is above or below the market price for simi-  
13 lar slots; and

14 “(C) whether any air carrier was denied an  
15 opportunity to purchase the slot and, if so, the  
16 reasons for the denial.

17 “(3) ANNUAL REPORTS.—Not later than 1 year  
18 after the date of enactment of this subsection, and  
19 annually thereafter, the Secretary shall transmit to  
20 Congress a report on the approval and disapproval  
21 of slot transfers under this subsection.”.

22 **SEC. 204. JOINT VENTURE AGREEMENTS BETWEEN AIR**  
23 **CARRIERS.**

24 Section 41720 is amended by adding at the end the  
25 following:

1 “(i) STUDIES OF JOINT VENTURE AGREEMENTS.—

2 “(1) STUDY OF COMPETITION.—

3 “(A) IN GENERAL.—The Secretary shall  
4 conduct a study of joint venture agreements be-  
5 tween air carriers to determine whether such  
6 agreements constitute an unfair method of com-  
7 petition within the meaning of section 41712.

8 “(B) CONTENTS.—In conducting the  
9 study, the Secretary shall assess—

10 “(i) whether code share agreements  
11 unreasonably impair competition between  
12 code share partners;

13 “(ii) whether joint venture agreements  
14 between air carriers result in unfair com-  
15 petitive advantages; and

16 “(iii) such other factors as the Sec-  
17 retary determines appropriate.

18 “(2) STUDY OF SCHEDULING PRACTICES.—The  
19 Secretary shall conduct a study of air carrier sched-  
20 uling practices for the purpose of making rec-  
21 ommendations to Congress on improving air carrier  
22 scheduling in order to reduce flight delays.

23 “(3) REPORTS.—

24 “(A) INITIAL REPORT.—Not later than 9  
25 months after the date of enactment of this sub-

1 section, the Secretary shall transmit to Con-  
2 gress a report on the results of each study con-  
3 ducted under this subsection.

4 “(B) UPDATES.—The Secretary shall up-  
5 date the study conducted under paragraph (1)  
6 every 4 years and transmit an updated report  
7 to Congress.”.

8 **SEC. 205. COMPETITIVE ACCESS TO GATES, FACILITIES,**  
9 **AND OTHER ASSETS.**

10 (a) IN GENERAL.—Subchapter I of chapter 417 is  
11 further amended by adding at the end the following:

12 **“§41723. Competitive access to gates, facilities, and**  
13 **other assets**

14 “(a) DOT REVIEW OF GATES, FACILITIES, AND  
15 OTHER ASSETS.—Within 90 days after the date of the  
16 enactment of this section, the Secretary of Transportation  
17 shall investigate the assignment and usage of gates, facili-  
18 ties, and other assets by major air carriers at the largest  
19 35 airports in the United States in terms of air passenger  
20 traffic. The investigation shall include an assessment of—

21 “(1) whether, and to what extent, gates, facili-  
22 ties, and other assets are being fully utilized by  
23 major air carriers at those airports;



1           “(2) whether gates, facilities, and other assets  
2           are available for competitive access to enhance com-  
3           petition; and

4           “(3) whether the reassignment of gates, facili-  
5           ties, and other assets to, or other means of increas-  
6           ing access to gates, facilities, and other assets for,  
7           air carriers (other than dominant air carriers) would  
8           improve competition among air carriers at any such  
9           airport or provide other benefits to the flying public  
10          without compromising safety or creating scheduling,  
11          efficiency, or other problems at airports providing  
12          service to or from those airports.

13          “(b) AUTHORITY OF SECRETARY TO MAKE GATES,  
14          FACILITIES, AND OTHER ASSETS AVAILABLE.—The Sec-  
15          retary shall require a major air carrier, upon application  
16          by another air carrier or on the Secretary’s own motion  
17          to make gates, facilities, and other assets available to  
18          other air carriers on terms that are fair, reasonable, and  
19          nondiscriminatory to ensure competitive access to those  
20          airports if the Secretary determines, on the basis of the  
21          investigation conducted under subsection (a), that such  
22          gates, facilities, and other assets are not available and that  
23          competition would be enhanced thereby at those airports.

24          “(c) DEFINITIONS.—In this section, the following  
25          definitions apply:

1           “(1) DOMINANT AIR CARRIER.—The term ‘dom-  
 2           inant air carrier’ means an air carrier that accounts  
 3           for more than 50 percent of the enplaned passengers  
 4           at an airport.

5           “(2) MAJOR AIR CARRIER.—The term ‘major  
 6           air carrier’ means an air carrier certificated under  
 7           section 41102 that accounted for at least 1 percent  
 8           of domestic scheduled-passenger revenues in the 12  
 9           months ending March 31 of each year, as reported  
 10          to the Department of Transportation pursuant to  
 11          part 241 of title 14, Code of Federal Regulations,  
 12          and identified as a reporting carrier periodically in  
 13          accounting and reporting directives issued by the Of-  
 14          fice of Airline Information.

15          “(3) ASSET.—The term ‘asset’ includes slots  
 16          (as defined in section 41714(h)(4)) and slot exemp-  
 17          tions (within the meaning of section 41714(a)(2)).”.

18          (b) CONFORMING AMENDMENT.—The analysis for  
 19          subchapter I of chapter 417 is further amended by adding  
 20          at the end the following:

“41723. Competitive access to gates, facilities, and other assets.”.

21       **SEC. 206. REVIEW OF DOMINANT AIR CARRIER ACTIVITIES.**

22          (a) IN GENERAL.—Subchapter I of chapter 417 is  
 23          further amended by adding at the end the following:

1   **“§ 41724. Review of dominant air carriers activities**

2           “(a) INVESTIGATIONS.—Not later than 90 days after  
3 the date of enactment of this section, and biennially there-  
4 after, the Secretary of Transportation shall conduct an in-  
5 vestigation of each hub airport to determine whether, in  
6 the preceding 5 years, a dominant air carrier at the air-  
7 port, if any, has—

8           “(1) charged higher than average fares for  
9 interstate air transportation to or from the airport;

10           “(2) engaged in an unfair method of competi-  
11 tion in response to a new entrant air carrier at the  
12 airport; or

13           “(3) limited competition by a new entrant air  
14 carrier at the airport by restricting the access of the  
15 new entrant to gates, slots, or other essential facili-  
16 ties at the airport on reasonable and competitive  
17 terms.

18           “(b) ACTION.—If the Secretary determines that a  
19 dominant air carrier at a hub airport has engaged in an  
20 act described in subsection (a), the Secretary, after pro-  
21 viding notice and an opportunity for a hearing, shall take  
22 such action as may be necessary to increase opportunities  
23 for competition at the airport and to report to Congress  
24 on the action taken.

25           “(c) NON-HUB AIRPORTS.—On the initiative of the  
26 Secretary or in response to a complaint filed with the Sec-

1 retary, the Secretary may conduct an inquiry described in  
2 subsection (a) at an airport other than a hub airport and  
3 may order the dominant air carrier at the airport, if any,  
4 to take such action as may be necessary to increase oppor-  
5 tunities for competition at the airport and to report to  
6 Congress on the action taken.

7 “(d) DEFINITIONS.—In this section, the following  
8 definitions apply:

9 “(1) AIR TRANSPORTATION.—The term ‘air  
10 transportation’ includes intrastate air transpor-  
11 tation.

12 “(2) DOMINANT AIR CARRIER.—The term ‘dom-  
13 inant air carrier’, as used with respect to an airport,  
14 means an air carrier that accounts for more than 40  
15 percent of the total annual boardings at the airport  
16 in the preceding 2-year period or a shorter period  
17 specified in paragraph (4).

18 “(3) HUB AIRPORT.—The term ‘hub airport’  
19 means an airport that each year has at least .25  
20 percent of the total annual boardings in the United  
21 States.

22 “(4) NEW ENTRANT AIR CARRIER.—The term  
23 ‘new entrant air carrier’, as used with respect to a  
24 airport, means an air carrier that accounts for less  
25 than 10 percent of the total annual boardings at the

1 airport in the preceding 2-year period or in a shorter  
2 period specified by the Secretary if the carrier has  
3 operated at the airport less than 2 years.”.

4 (b) CONFORMING AMENDMENT.—The analysis for  
5 subchapter I of chapter 417 is further amended by adding  
6 at the end the following:

“41724. Review of dominant air carriers activities.”.

7 **SEC. 207. INTERNET AIRLINE RESERVATION SYSTEMS.**

8 (a) STUDY.—The Comptroller General shall conduct  
9 a study on how air carrier competition would be affected  
10 by the establishment of an airline reservation system on  
11 the Internet by a group of major air carriers.

12 (b) CONTENTS.—The study shall include an analysis  
13 of how an airline reservation system described in sub-  
14 section (a) would affect the method by which consumers  
15 purchase tickets for air transportation, including the ef-  
16 fects of such a system on ticket agents.

17 (c) REPORTS.—Not later than 9 months after the  
18 date of enactment of this Act, the Comptroller General  
19 shall transmit to Congress a report on the results of the  
20 study.

21 **SEC. 208. FEDERAL POLICIES ON SLOTS AT HIGH DENSITY**  
22 **AIRPORTS.**

23 (a) STUDY.—The Comptroller General shall conduct  
24 a study on current and evolving Federal policies on slots  
25 at high density airports.

1 (b) CONTENTS.—In conducting the study, the Comp-  
2 troller General shall assess—

3 (1) the significance of Department of Transpor-  
4 tation policies and practices on the control and allo-  
5 cation of slots at high density airports, including the  
6 impact of permitting air carriers to control slots on  
7 air carrier competition, system capacity, and indus-  
8 try restructuring; and

9 (2) the potential for replacing airline ticket  
10 taxes with scarcity-reflective pricing of slots (includ-  
11 ing appropriate policies to preserve competition and  
12 service to small- and medium-sized communities).

13 (c) REPORT.—Not later than 18 months after the  
14 date of enactment of this Act, the Comptroller General  
15 shall transmit to Congress a report on the results of the  
16 study.

17 **SEC. 209. DEFINITIONS OF DELAYED FLIGHT AND CHRON-**  
18 **ICALLY DELAYED FLIGHT.**

19 Not later than 60 days after the date of enactment  
20 of this Act, the Secretary of Transportation shall issue  
21 final regulations defining for purposes of all Department  
22 of Transportation regulations, reports, and other docu-  
23 ments, what constitutes a delay of a flight of an air carrier

- 1 and what constitutes chronically delayed flights of air car-
- 2 riers.

